

JOINT DECLARATION FOR PATENT APPLICATION

As the below named inventors, we hereby declare that:

Our residences, post office addresses and citizenship are as stated below next to our names;

We believe that we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHODS FOR REGULATING NICOTINE METABOLISM**, the specification of which:

[] is attached hereto.

[X] was filed on JANUARY 14, 1999 as application serial number 09/214,851 and, if applicable, was amended on _____

[X] was filed as International (PCT) application No. PCT/CA97/00506, on JULY 17, 1997, and was amended in accordance with Article 34 (PCT) as shown in the International Preliminary Examination Report dated _____

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

Prior Foreign Application(s)

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| Country | Application Number | Date of Filing (day, month, year) | Date of Issue (day, month, year) | Priority Claimed Under 35 U.S.C. 119 |
|---------|--------------------|--------------------------------------|-------------------------------------|-----------------------------------------|
| | | | | Yes [] No [] |

Prior Provisional Application(s)

We hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

| Application Serial Number | Date of Filing (day, month, year) |
|------------------------------|--------------------------------------|
| 60/021,940 | July 17, 1996 |
| | |

Prior United States Application(s)

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application Serial Number | Date of Filing (day, month, year) | Status - Patented, Pending, Abandoned |
|------------------------------|--------------------------------------|------------------------------------------|
| | | |

And we hereby appoint, both jointly and severally, as our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the following attorneys, their registration numbers being listed after their names:

Jerry W. Mills, Registration No. 23.005; Scott F. Partridge, Registration No. 28.142; Rodger L. Tate, Registration No. 27.399; James Remenick, Registration No. 36.902; Laurence H. Posorske, Registration No. 34.698; James B. Arpin, Registration No. 33.470; Steven P. Klocinski, Registration No. 39.521; Andrew D. Skale, Registration No. 44.338; William F. Nixon, Registration No. P-44.262; Floyd B. Chapman, Registration No. 40.555; Robert L. Troike, Registration No. 24.183; and Robert A. King, Registration No. 42.738.

All correspondence and telephone communications should be addressed to: **Laurence H. Posorske, Esq., Baker & Botts, L.L.P.; The Warner, Suite 1300; 1299 Pennsylvania Avenue, N.W.; Washington, D.C. 20004-2400; (202) 639-7700**, which is also the address and telephone number of each of the above listed attorneys.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature: Ernest Sellers

Date: May 6, 1999

Full Name of
First Inventor

| | | |
|----------------|------------------|-------------------|
| <u>SELLERS</u> | <u>Edward</u> | <u>M</u> |
| Family Name | First Given Name | Second Given Name |

Residence

78 Baby Point Crescent, Toronto, Ontario M6S 2C1 CANADA

Citizenship
Post Office
Address

CANADA
Same as above

Signature: Rodger L. Tate

Date: May 10, 1999

Full Name of
Second Inventor

| | | |
|----------------|------------------|-------------------|
| <u>TYNDALE</u> | <u>Rachel</u> | <u>E.</u> |
| Family Name | First Given Name | Second Given Name |

Residence

#5-28 Brunswick Avenue, Toronto, Ontario M5S 2L7 CANADA

Citizenship
Post Office
Address

CANADA
Same as above

Signature: _____

Date: _____

**LAW OFFICES
BAKER & BOTTS, L.L.P.
The Warner
1299 Pennsylvania Avenue, N.W.
WASHINGTON, D.C. 20004-2400
(202) 639-7700**

**RECORDATION FORM COVER SHEET
PATENTS ONLY**

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies) thereof.

1. Name of Conveying Party(ies):

Edward M. SELLERS

Rachel F. TYNDALE

Additional name(s) of conveying party(ies) attached?

Yes

No

2. Name and Address of Party(ies) receiving an interest (assignee(s)):

Name: Nicogen, Inc.

Address: 4500 Thimens Blvd

2nd Floor, St. Laurent, Quebec H4R 2P2

Country: CANADA

Additional name(s) and address(es) attached?

Yes

No

3. Nature of Conveyance:

Assignment

Merger

Change of Name

Verified Translation

Security Agreement

Other: Correction of incorrectly recorded assignment

Execution Date: May 10, 1999

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date(s) of the application is:

A. Patent Application No(s).:

09/214,851

B. Patent No(s).:

Others on additional sheet(s) attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Rodger L. Tate

Baker & Botts, L.L.P.

The Warner; Suite 1300

1299 Pennsylvania Avenue, N.W.

Washington, D.C. 20004-2400

(202) 639-7700 (telephone)

(202) 639-7890 (facsimile)

6. Total number of applications and patents involved:

Application(s): 1

+ Patent(s): 0

= Total: 1

7. Total Fee (37 C.F.R. § 3.41) \$ 40.00

Enclosed

Authorized to be charged to Deposit Account

8. Deposit Account No.: 02-0375

(Duplicate copy of this sheet attached)

Charge any underpayment or credit any overpayment to above Deposit Account

DO NOT USE THIS SPACE

9. Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

James B. Arpin

Name of Person Signing

Signature

12/21/99

Date

Total number of pages including cover sheet, attachments, and document:

USA Patent Application
Sole or Joint
ASSIGNMENT

WHEREAS, Edward M. SELLERS and Rachel F. TYNDALE are joint INVENTORS of the invention entitled:
METHODS FOR REGULATING NICOTINE METABOLISM

described in an application for U.S. patent filed on January 14, 1999, as application number 09/214,851.

WHEREAS, NICOGEN, INC., a Canadian entity of 4500 Thimens Boulevard, 2nd Floor, St. Laurent, Quebec H4R 2P2, in Canada, (hereinafter ASSIGNEE) is desirous of acquiring the entire right, title and interest of INVENTOR in and to the said invention, and in and to patent applications filed and any Letters Patent that may issue thereon, in the United States of America (U.S.A.);

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, by this Assignment INVENTORS sell and assign to said ASSIGNEE, and its successors and assigns, their entire right, title and interest in and to the said invention in the U.S.A.; in and to all U.S. patents which may be granted therefor, and all divisions, reissues, substitutions, continuations, and extensions thereof; and to file applications and obtain patents in their own names in the U.S.A., and to claim priority under the terms of the International Convention for the Protection of Industrial Property or any other relevant convention;

INVENTORS hereby authorize and request the Commissioner of Patents to issue U.S. patents for said invention, or U.S. patents resulting therefrom, insofar as the interest of INVENTORS are concerned, to said NICOGEN, INC., as assignee of the entire right, title and interest.

INVENTORS further agree to communicate to ASSIGNEE, or to its successors, assigns and legal representatives, any facts known to INVENTORS respecting the said invention, and, at the expense of ASSIGNEE, sign any and all patent applications, assignments, affidavits and other lawful papers, execute all divisional, continuation, reissue and substitute applications, make all lawful oaths, testify in any legal or quasi-legal proceedings and generally to do everything possible to aid said ASSIGNEE, its successors, assigns and nominees to obtain and enforce proper patent protection for said invention in the U.S.A.

Title of Invention: **METHODS FOR REGULATING NICOTINE METABOLISM**
Application Serial No.: **09/214.851**

INVENTORS:

Name: *Edward Sellers*
Edward M. SELLERS

Address: 78 Baby Point Crescent, Toronto, Ontario M5S 2L7 CANADA

Date: May 6, 1999

Name: *Rachel Tyndale*
Rachel F. TYNDALE

Address: #5 - 28 Brunswick Avenue, Toronto, Ontario M5S 2L7 CANADA

Date: May 10, 1999

**Baker & Botts, LLP
The Warner
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2400
(202) 639-7700**